

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

MARIE PIERRE,

Plaintiff,

v.

ALBERTSONS, INC.,

Defendant.

02-61151
CIV - GOLD

**MAGISTRATE JUDGE
SIMONTON**

COMPLAINT

Plaintiff, MARIE PIERRE, hereby sues the Defendant, ALBERTSONS, INC., and
as grounds states as follows:

PARTIES

1. Plaintiff, MARIE PIERRE ("PIERRE"), is an individual who presently resides in the Southern District of Florida.
2. Defendant ALBERTSONS INC. ("ALBERTSONS"), is a corporation doing business in the Southern District of Florida. Defendant is an "employer" within the meaning of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. ("ADA") and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. Sec. 2000e et seq. ("Title VII").

JURISDICTION

3. This action arises under the provisions of the Americans with Disabilities

FILED BY
JUL 17 2002
CLERK OF DISTRICT
S.D. OF FLA.-FTL

1/2

Act ("ADA"), 42 U.S.C. §12101 et seq., Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. Sec. 2000e et seq. ("Title VII") and under the provisions of the Civil Rights Act of 1866, 42 U.S.C. §1981 ("§1981").

4. Jurisdiction is based upon the provisions of Title 28 United States Code, §1331 and §1343 in that the cause arises under the provisions of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. Sec. 2000e et seq. ("Title VII") and under the provisions of the Civil Rights Act of 1866, 42 U.S.C. §1981 ("§1981"). The state law claims are properly brought within the Court's supplemental jurisdiction.

5. All conditions precedent to filing this action have been met, excused or waived in that Plaintiff filed a charge of discrimination with the United States Equal Employment Opportunity Commission on or about January 22, 2002. A copy of the charge is attached hereto.

6. On May 20, 2002, the EEOC issued a right to sue which was received thereafter. A copy of the Right to Sue is attached.

GENERAL ALLEGATIONS

7. Plaintiff is a Black, Haitian qualified individual with a disability.

8. Plaintiff has been employed with Albertsons, store # 4327, as a Service Deli Clerk since March of 1997. For those years, she has earned an outstanding reputation for her hard work and dedication.

9. Plaintiff was commonly expected to unload heavy foods from the delivery trucks. As a result, she suffered a back injury in 1998. In March of 2001, the pain became

unbearable. Plaintiff consulted an orthopedic physician who in turn referred Plaintiff to an orthopedic surgeon.

10. The deli supervisor at the time, Evelyn Goodman, had accommodated Plaintiff by allowing her to schedule her days off in accordance with her doctor appointments.

11. Benita Greenwood was hired shortly thereafter, and she refused to accommodate Plaintiff, but accommodated others such as Delores Berger, a white female, who got every Monday and Friday off.

12. On April 11, 2001, Plaintiff was placed on lifting restrictions by her physician due to her disability. The recommendation was not acknowledged by Ms. Greenwood or shared with the Director of the Store, Joe Jarbo.

13. Thirty minutes after receiving the doctor's note, Ms. Greenwood instructed Plaintiff to lift pounds of food in excess of the amount of the number of pounds that she was able to lift.

14. Ms. Greenwood also made a derogatory remark about Plaintiff's national origin.

15. Plaintiff had recommended to Ms. Greenwood a potential employee to work at Albertsons. Ms. Greenwood replied by asking Plaintiff if she was sure that the person spoke English because if he had a "stupid French accent like [Plaintiff]", she would not hire him.

16. Plaintiff felt humiliated and belittled. Ms. Greenwood made this comment in the presence of customers, and she made a demeaning comment about it to another employee during their smoke break.

17. Plaintiff complained to the Store Director, Mr. Jarbo, about this comment, and he reprimanded Ms. Greenwood.

18. After Plaintiff complained to Mr. Jarbo, Ms. Greenwood began a series of retaliatory attacks on Plaintiff which included scheduling Plaintiff to work twelve (12) days in a row, increasing Plaintiff's workload, and scheduling Plaintiff to work alone while others worked in pairs.

19. On July 1, 2001, while Plaintiff was working alone, she was injured on the job. This injury necessitated Plaintiff to file a claim for worker's compensation and take a leave of absence, and Plaintiff was then constructively discharged.

20. On May 15, 2002, Defendant wrote a letter to Plaintiff notifying her that if she did not contact Defendant by May 24, 2002 to discuss her employment status, her employment would be administratively terminated.

21. On May 21, 2002, Plaintiff wrote a letter to Defendant informing Defendant that she needed an accommodation involving lifting because of her knee and back and that she did not wish to be administratively terminated.

22. Plaintiff did not receive any response to her letter, and she has thus suffered a constructive discharge.

COUNT I-DISCRIMINATION ON THE BASIS OF DISABILITY ("ADA")

23. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

24. Defendant discriminated against Plaintiff on account of disability in

violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101 et seq. by refusing her a reasonable accommodation for her disability and by continuing to refuse her a reasonable accommodation for her disability.

25. As a direct and proximate result of the Defendant's act and omissions, Plaintiff has been injured.

WHEREFORE Plaintiff prays for the following relief for violation of the Americans with Disabilities Act:

- a) entry of a judgment declaring the Defendant illegally discriminated against Plaintiff in violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101 et seq.
- b) award of Plaintiff's costs in this action, including reasonable attorneys' fees and expert fees as provided by law;
- c) pre-judgment interest and post-judgment interest;
- d) entry of a judgment for damages including back pay, front pay and entry of a judgment for compensatory damages, including but not limited to damages for mental pain and suffering, anguish, injury to reputation, loss of capacity to enjoy life; and
- e) punitive damages.

COUNT II-FCRA-DISABILITY

26. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

27. The conduct of Defendant in failing to accommodate Plaintiff's disability constitutes a violation of the Florida Civil Rights Act of 1992.

28. The failure of Defendant to adhere to the mandates of the Florida Civil Rights Act was willful and its violation of the provisions of the Florida Civil Rights Act was willful.

WHEREFORE, Plaintiff prays for the following relief:

- a) Compensatory damages as determined by the trier of fact,
- b) Restitutionary damages, including back pay, front pay and liquidated damages;
- c) Injunctive relief precluding Defendant from further discriminatory treatment by Defendant and its agents; and
- d) Punitive damages.

COUNT III-TITLE VII (RACE AND NATIONAL ORIGIN DISCRIMINATION)

29. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

30. Defendant discriminated against Plaintiff in the terms and conditions of her employment because of Plaintiff's race and national origin.

31. The actions of the Defendant constitute an intentional violation of Title VII and as a direct, natural, foreseeable and proximate result of the actions and inactions of Defendant, Plaintiff has suffered injuries and losses including a violation of her statutory rights, mental pain and suffering and extreme emotional stress; loss of ability to lead a normal life; lost wages and benefits and other economic losses, all of which injuries and losses are continuing and permanent in nature.

WHEREFORE Plaintiff requests:

- a) Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for mental pain and suffering, anguish, injury of reputation and loss of capacity to enjoy life, back pay, front pay and interest;
- b) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees as provided by Title VII;
- c) Punitive damages; and
- d) Any other equitable relief deemed appropriate by this Court.

COUNT IV-FCRA (RACE AND NATIONAL ORIGIN DISCRIMINATION)

32. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

33. Defendant discriminated against Plaintiff in the terms and conditions of her employment because of Plaintiff's race and national origin.

34. The actions of the Defendant constitute an intentional violation of the Florida Civil Rights Act and as a direct, natural, foreseeable and proximate result of the actions and inactions of Defendant, Plaintiff has suffered injuries and losses including a violation of her statutory rights, mental pain and suffering and extreme emotional stress; loss of ability to lead a normal life; lost wages and benefits and other economic losses, all of which injuries and losses are continuing and permanent in nature.

WHEREFORE Plaintiff requests:

a)Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for mental pain and suffering, anguish, injury of reputation and loss of capacity to enjoy life, back pay, front pay and interest;

- b) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees as provided by Title VII;
- c) Punitive damages; and
- d) Any other equitable relief deemed appropriate by this Court.

COUNT V-1981 (RACE AND NATIONAL ORIGIN DISCRIMINATION)

35. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

36. Defendant discriminated against Plaintiff in the terms and conditions of her employment because of Plaintiff's race and national origin.

37. The actions of the Defendant constitute a violation of 42 U.S.C. Sec. 1981 and as a direct, natural, foreseeable and proximate result of the actions and inactions of Defendant, Plaintiff has suffered injuries and losses including a violation of her statutory rights, mental pain and suffering and extreme emotional stress; loss of ability to lead a normal life; lost wages and benefits and other economic losses, all of which injuries and losses are continuing and permanent in nature.

WHEREFORE Plaintiff requests:

- a) Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for mental pain and suffering, anguish, injury of reputation and loss of capacity to enjoy life, back pay, front pay and interest;
- b) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees;
- c) Punitive damages; and
- d) Any other equitable relief deemed appropriate by this Court.

COUNT VI-TITLE VII (RETALIATION)

38. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

39. Defendant retaliated against Plaintiff in the terms and conditions of her employment after Plaintiff engaged in the protected activity of complaining about discrimination to the Store Director.

40. Title VII not only prohibits an employer from discriminating against an employee on the basis of her race and national origin but prohibits retaliation for complaining about or opposing discrimination and/or for participating in protected activities.

41. As a result of Plaintiff's opposition against the discriminatory treatment referred to in the preceding paragraphs, a protected activity, Plaintiff was subjected to retaliation. The Defendant is a sophisticated employer aware of the requirements of Title VII and its proscription against retaliation and its actions were willful and malicious.

42. The actions described above that were taken by Defendant, its agents and employees were deliberate, intentional or in the alternative, were undertaken with reckless disregard of the Civil Rights of Plaintiff under Title VII.

43. Plaintiff has been caused to suffer great emotional anguish and distress as a result of the Defendant's retaliatory actions.

WHEREFORE Plaintiff requests:

a)Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for mental pain and suffering, anguish, injury of reputation and loss of capacity to enjoy life, back pay, front pay and interest;

- b) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees as provided by Title VII;
- c) Punitive damages; and
- d) Any other equitable relief deemed appropriate by this Court.

COUNT VII-FCRA (RETALIATION)

44. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

45. Defendant retaliated against Plaintiff in the terms and conditions of her employment after Plaintiff engaged in the protected activity of complaining about discrimination to the Store Director. because of Plaintiff's race and national origin.

46. The FCRA not only prohibits an employer from discriminating against an employee on the basis of her race and national origin but prohibits retaliation for complaining about or opposing discrimination and/or for participating in protected activities.

47. As a result of Plaintiff's opposition against the discriminatory treatment referred to in the preceding paragraphs, a protected activity, Plaintiff was subjected to retaliation. The Defendant is a sophisticated employer aware of the requirements of Title VII and its proscription against retaliation and its actions were willful and malicious.

48. The actions described above that were taken by Defendant, its agents and employees were deliberate, intentional or in the alternative, were undertaken with reckless disregard of the Civil Rights of Plaintiff under the FCRA.

49. Plaintiff has been caused to suffer great emotional anguish and distress as a result of the Defendant's retaliatory actions.

WHEREFORE Plaintiff requests:

- a) Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for mental pain and suffering, anguish, injury of reputation and loss of capacity to enjoy life, back pay, front pay and interest;
- b) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees as provided by the FCRA;
- c) Punitive damages; and
- d) Any other equitable relief deemed appropriate by this Court.

COUN VIII-1981 (RETALIATION)

50. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

51. Defendant retaliated against Plaintiff in the terms and conditions of her employment after Plaintiff engaged in the protected activity of complaining about discrimination to the Store Director.

52. As a result of Plaintiff's opposition against the discriminatory treatment referred to in the preceding paragraphs, a protected activity, Plaintiff was subjected to retaliation.

53. The actions described above that were taken by Defendant, its agents and employees were deliberate, intentional or in the alternative, were undertaken with reckless disregard of the Civil Rights of Plaintiff under Title VII.

54. Plaintiff has been caused to suffer great emotional anguish and distress as a result of the Defendant's retaliatory actions.

WHEREFORE Plaintiff requests:

- a) Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for mental pain and suffering, anguish, injury of reputation and loss of capacity to enjoy life, back pay, front pay and interest;
- b) Award Plaintiff costs in this action, including reasonable attorneys' fees and expert fees;
- c) Punitive damages; and
- d) Any other equitable relief deemed appropriate by this Court.

COUNT IX-FLORIDA WORKER'S COMPENSATION RETALIATION

55. Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein.

56. Florida Statute §440.205 provides that "no employer shall discharge, threaten to discharge, intimidate, or coerce any employee by reason of such employee's valid claim for compensation or attempt to claim compensation under the Workers' Compensation Law".

57. Defendant discharged, threatened to discharge, intimidated and/or coerced Plaintiff by reason of her valid claim for worker's compensation or her attempt to claim compensation under the workers' compensation law.

58. Defendant violated §440.205.

59. As a direct, natural, foreseeable and proximate result of the actions and inactions of Defendant, Plaintiff has suffered injuries and losses including a violation of her statutory rights, emotional distress, loss of ability to lead a normal life, all of which injuries and losses are continuing and permanent in nature.

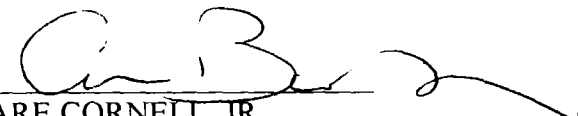
WHEREFORE Plaintiff prays for the following relief:

60. Entry of a judgment for restitutionary and compensatory damages including, but not limited to, damages for emotional distress, pain and suffering, anguish, and loss of capacity to enjoy life.
61. Award Plaintiff reasonable attorneys' fees and costs as provided by statute; and
62. Any other equitable relief deemed appropriate by this Court.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury as to all issues so triable as a matter of right.

CORNELL & ASSOCIATES, P.A.
Attorneys for the Plaintiff
1401 E. Broward Blvd, Suite 204
Ft. Lauderdale, FL 33301
Telephone: (954)524-2703
Facsimile: (954) 524-2706

BY: 
G. WARE CORNELL, JR.
Florida Bar No. 203920
ARIANNE BOMBALIER SUAREZ
Florida Bar No. 143529

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

Florida Comm. on Human Relations and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Marie Pierre

(954) 777-9902

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

2111 N.W. 55 Ave. #208, Lauderdale, FL 33313

01/12/1969

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Albertsons

Cat D (501 +)

(954) 472-1304

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1181 S. University Dr., Plantation, FL 33324

011

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

03/01/2001 07/01/2001

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I am a Black, Haitian, qualified individual with a disability. I have been employed by the Respondent as a Service Deli Clerk since March, 1997. My disability was being reasonably accommodated by my supervisor, Evelyn Goodman. In March, 2001, the new supervisor, Benita Greenwood (White), refused to grant my reasonable accommodation. I am aware that Ms. Greenwood granted a similar accommodation to a White employee, Delores Berger. On April 11, 2001, I was placed on lifting restrictions by my physician due to my disability. My request for reasonable accommodation of these restrictions was ignored by Ms. Greenwood. Ms. Greenwood also made a derogatory remark about my national origin. I complained to Store Director Joe Jarbo about the derogatory remark and Ms. Greenwood was reprimanded. After my complaint, Ms. Greenwood retaliated against me by scheduling me twelve days in a row, increasing my workload, and scheduling me alone while others worked in pairs. On July 1, 2001, while working alone, I was injured on the job while lifting. I have since been out on worker's compensation.

II. No reason was given to me by the Respondent for failing to reasonably accommodate my disability or for the retaliation I was subjected to.

III. I believe I have been discriminated against because of my race,

** Text is Continued on Attached Sheet(s) **

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

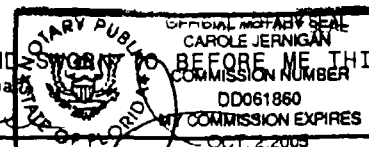
I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)



Date 1-22-02

Marie Pierre
Charging Party (Signature)

Jan 17 13:24 2002 CP Initials Xm.P Chg # , Attachment Page 1

Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text

Black, my national origin, Haitian, and my disability, and retaliated against for complaining about discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, the Florida Civil Rights Act of 1992, and the Americans with Disabilities Act of 1990.

**U.S. Equal Employment Opportunity Commission
DISMISSAL AND NOTICE OF RIGHTS**

To:

Marie Pierre

2111 N. W. 55th Avenue #208

Lauderhill, Florida 33313



On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

From: Miami District Office

Equal Employment Opportunity Commission

One Biscayne Tower, Suite 2700

2 South Biscayne Boulevard

Miami, Florida 33131-1805

Charge Number

150 A2 01042

EEOC Representative

Susan A. Mann, Senior Investigator

Telephone No.

(305)536-5383 or 536-4491

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



We cannot investigate your charge because it was not filed within the time limit required by law.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state) _____

-- NOTICE OF SUIT RIGHTS --*(See the additional information attached to this form.)*

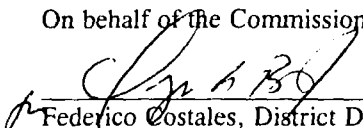
Title VII, the Americans with Disabilities Act, and/or Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the respondent(s) named in the charge. **If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice.** Otherwise your right to sue based on the above-numbered charge will be lost.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.** (If you file suit, please send a copy of your court complaint to this office.)

On behalf of the Commission

MAY 20 2002

(Date Mailed)


Federico Costales, District Director

cc:

Albertson's, Inc.

c/o Tom Caruso, Employee Relations Manager

Southern Region/ Office Human Resources Dept.

1051 Winderley Place, Fourth Floor

Maitland, Florida 32751-7223

G. Ware Cornell, Jr., Esquire

Cornell & Associates, P.A.

1401 East Broward Blvd. Suite 204

Fort Lauderdale, Florida 33301

CIVIL COVER SHEET 02-61151

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MARIE PIERRE

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Broward
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

G. Ware Cornell, Jr., Cornell & Associates
1401 E. Broward Blvd., Suite 204

(d) CIRCLE COUNTY, WHERE ACTION AROSE: BROWARD PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

DEFENDANTS

CIV - GOLD

ALBERTSON'S, INC.

MAGISTRATE JUDGE

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT SIMONTON
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

Broward 0:02CV61151 ASG/AM

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> B 610 Agriculture <input type="checkbox"/> B 620 Other Food & Drug <input type="checkbox"/> B 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> B 630 Liquor Laws <input type="checkbox"/> B 640 R.R. & Truck <input type="checkbox"/> B 650 Airline Regs. <input type="checkbox"/> B 660 Occupational Safety/Health <input type="checkbox"/> B 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DWC/DIWW (405g) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RS (405g)	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 440 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A OR B
A REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other: Civil Rights	PRISONER PETITIONS <input type="checkbox"/> B 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> B 530 General <input type="checkbox"/> A 535 Death Penalty <input type="checkbox"/> B 540 Mandamus & Other <input type="checkbox"/> B 550 Civil Rights <input type="checkbox"/> B 555 Prison Condition	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> A 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> A 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> A 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

ADA, 42 U.S. C. Sec. 12101, et seq. and Title VII of Civil Rights Act of 1964
Plaintiff claims discrimination based upon disability, race and national origin
via 3 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/19/02

FOR OFFICE USE ONLY

G. WARE CORNELL, JR.

RECEIPT # 525959 AMOUNT 150.00 APPLYING IFP JUDGE MAG. JUDGE